

REMARKS

Information Disclosure Statement

The Examiner stated that a proper Information Disclosure Statement was not filed with the application, and therefore, the patents listed in the application as filed were not considered by the Examiner. Applicant respectfully submits that an Information Disclosure Statement has been included on a separate sheet of paper as an attachment to this office action response.

Drawings

The drawings were objected to under 37 CFR 1.83 (a) for not showing every feature of the invention described in the claims. Applicant respectfully submits that insertion point 55, the four bends 22,32,42, and 52, and three of the four connection points 73, 83, and 93 have been added to the revised drawings. No new matter has been entered. New numbers are shown as highlighted in red.

Specification

The disclosure was objected to because the insertion point 55, the four bends 22, 32, 42, and 52, and three of the four connection points 73, 83, and 93 were listed in the specification but not shown in the drawings. Applicant respectfully submits that the insertion point 55, the four bends 22, 32, 42, and 52, and three of the four connection

points 73, 83, and 93 have been included in the revised drawings filed with this response.

No new matter has been entered.

Claim Objections

Claim 5 was objected to for the informality "said at three additional vertical supports has". Applicant respectfully submits that the word "least" has been entered into the claim appropriately; and further, that the word "has" has been deleted and the word "have" has been inserted in the amended claim 5. Applicant regrets the typographical and grammatical errors.

Claim Rejections

Claims 1 and 3 were rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time that the application was filed, had possession of the claimed invention. Specifically, claims 1 and 3 were rejected to for the phrase "hook mechanism" not being described in the disclosure. Applicant respectfully submits that the phrase "hook mechanism" has been changed to the word "ridge" to clarify what was described consistent with the original disclosure.

Claim 5, was also rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time that the application was filed, had possession of the claimed invention. Specifically claim 5, was objected to for the phrase "teeth mechanisms" not being described in the disclosure.

Applicant has amended claim 5 by replacing "teeth mechanisms" with "indentations" so that the claim is consistent with the original disclosure.

Claims 1, 6, and 7 were rejected under 35 USC 102(e) as being anticipated by Stidham (US 5,473,839). Applicant has amended claim 1 with the limitation that there is a ridge in communication with an indentation. Stidham's device shows loops on which rings can be attached, but does not contemplate or have a need for a ridge in communication with an indentation. Stidham's device is incapable of holding a ring perpendicular to a vertical support. The unique ridge and indentation system of the present invention allows for secure but removable attachment of a ring to a vertical support, such that the ring can remain perpendicular to the vertical support. Claims 6 and 7 depend from claims which ultimately depend from amended claim 1, and thus, Applicant believes that claims 1, 6, and 7 are now in condition for allowance.

Claims 2-5 and 8 were rejected under 35 USC 103(a) as being unpatentable over Thornhill (US 5,423,148) in view of Vandermast (US 3,627,242). Claims 2-5 and 8 ultimately depend from claim 1, and as aforementioned, Applicant has amended claim 1 with the limitation that there is a ridge in communication with an indentation. Neither Thornhill's device nor Vandermast's device contemplate or have a need for a ridge in communication with an indentation wherein the indentation protrudes from the ring. Thornhill's device shows vertical supports fitting around rings, much like Vandermast's device. The unique ridge and indentation system of the present invention allows for secure but removable attachment of a ring to a vertical support, such that the ring can remain perpendicular to the vertical support. Applicant believes that claims 2-5 and 8 are now in condition for allowance.

I hereby certify that this amendment and response was mailed via US first class mail postage prepaid to the Commissioner of Patents & Trademarks, Washington, DC 20231 on April 3, 2002.

The Examiner is encouraged to call the Attorney of Record, Michael Greenberg, at 301-588-8393 should this not result in an allowance.

Respectfully,

Michael L. Greenberg

Michael L. Greenberg, Esq.

Reg. No. 47,312

MARKED UP CLAIMS

1. (Amended) A plant stand, comprising:
- at least one vertical support communicating in a removable manner with the earth;
- an indentation on said at least one vertical support;
- a bend on said at least one vertical support so that the user may apply pressure with their foot to insert said one support into the ground;
- at least one [indentation in] ring attached to said at least one vertical support [that has a hook mechanism, for attaching a ring]; and
- [at least one ring attached to said at least one vertical support]
- a ridge on said at least one ring, said ridge protruding from said at least one ring and in communication with said indentation on said at least one vertical support.
3. (Amended) A plant stand as in claim 2, further comprising at least three [hook mechanisms] additional ridges for attaching said at least three additional rings to said at least one vertical support.
5. (Amended) A plant stand as in claim 4, wherein said at least three additional vertical supports [has] have at least [four teeth mechanisms evenly placed,] three additional indentations to removably communicate with said at least one ring, and said at least three additional rings.

9. (New) A plant stand, comprising:

at least one vertical support communicating in a removable manner with the earth;

an indentation on said at least one vertical support;

at least one ring attached to said at least one vertical support; and

a ridge on said at least one ring, said ridge in communication with said indentation on said at least one vertical support.

10. (New) The plant stand of claim 9, wherein said ridge rotates within said indentation.

11. (New) The plant stand of claim 9, wherein said ridge rotates within said indentation between a locked and unlocked position.